

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

ASD SPECIALTY HEALTHCARE, INC. d/b/a
ONCOLOGY SUPPLY COMPANY
2801 Horace Shepard Drive
Dothan, Alabama 36303,

Plaintiff,

V.

ROBERT G. HICKES, M.D.
1301 Trumansburg Road, Suite Q
Ithaca, NY 14850,

Defendant.

CIVIL ACTION

NO.: 1:05cv592 - T

MOTION FOR SUMMARY JUDGMENT

The plaintiff, ASD Specialty Healthcare, Inc., d/b/a Oncology Supply Company, by and through its counsel, hereby moves this Honorable Court pursuant to Federal Rule of Civil Procedure 56 for summary judgment against the defendant Robert G. Hickes, M.D. because there are no disputed issues of material fact and it is entitled to judgment as a matter of law. In support of this motion, the plaintiff relies upon the statements and legal arguments contained within the concurrently-filed memorandum of law supporting this motion, which is incorporated herein by this reference, as well as the attached exhibits:

Exhibit 1: Complaint

Exhibit 2: Plaintiff's First Set of Requests for Admissions Addressed to Defendant Robert G. Hickes, M.D.

Exhibit 3: Defendant's Response to Request for Admission

Exhibit 4: Defendant's Amended Response to Request for Admission

Plaintiff also submits a proposed Order granting this motion which is attached as Exhibit 5.

Respectfully submitted,

s/Heath A. Fite

James J. Robinson (ROB013)

Heath A. Fite (FIT011)

Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of January, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all properly registered parties, including Clyde Ellis Brazeal, III.

s/Heath A. Fite

Of Counsel